vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.6749 OF 2005**

Municipal Labour Union ... Petitioner

V/s.

Thane Municipal Corporation
Panchpakhad, Thane & Ors. ... Respondents

Ms.Neeta Karnik for Petitioner
Mr.R.S. Apte for Respondent Nos.1 to 3

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 20, 2005**

**P.C.:**

. The Petition challenges an interim order passed by the Industrial Court in a complaint filed under Item 9 of Schedule IV of the MRTU & PULP Act. The complaint alleges that the Municipal Corporation of Thane has floated tenders for disposal of garbage and garbage collection through contractors. According to the complainant, who is the Petitioner in this Petition, the employment and service conditions of the workmen who are now involved in the work of garbage collection and disposal of garbage will be affected. The Petitioner contends that these workers will be rendered surplus on account of the contracts which the Respondent-Corporation wishes to enter into with contractors. The learned Advocate appearing for the Petitioner relies on the affidavit filed by the

Petitioner today in Court, which is taken on record, to which annexed is the report of the Assistant Commissioner of Labour, Thane for abolishing contract labour. The Labour Commissioner has found that the work of garabage collection and disposal is perennial in nature and regular employees should be employed by the Corporation for performing this work. According to the learned Advocate, the Industrial Court ought to have stayed the tender offer made by the Municipal Corporation and granted interim relief in favour of the respondents.

2. In the written statement filed by the Respondent-Corporation before the Industrial Court it stated that they are not affecting the work undertaken presently by the workers involved in the garbage collection and disposal. In para 9 of its written statement, the Corporation has pleaded as under:

> 9. With reference to paragraph 6, the Resopndents state that the contents thereof are substantially true. The Resopndents propose to give the work of garbage management to independent contractors without affecting the employment and/or the service conditions of the workers/employees working as Safai Kamgar or Mukadams or in any other category or capacity.

3. The learned Advocate appearing for the Corporation states that the Corporation will abide by

the aforesaid statement made in para 9 of its written statement during the pendency of the complaint.

4. In view of this statement made in para 9 of the written statement, there is no need to grant any interim relief at this stage. However, it is made clear that if the Corporation chooses to enter into any contracts with the successful bidders under the tender notice the same will be subject to the result in the complaint (ULP) NO.211 of 2005. The Corporation will inform the prospective contractors accordingly while signing contracts. The complaint to be disposed off expeditiously.

5. Petition is disposed off accordingly.